

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

MARK ANTHONY PALZER,

Plaintiff,

v.

COX OKLAHOMA TELCOM, LLC  
and COXCOM, LLC d/b/a COX  
COMMUNICATIONS TULSA,

Defendants.

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Case No. 15-CV-00564-GKF-JFJ

**ORDER**

This matter comes before the court on the Second Application for Enlargement of Deadline to Respond to Defendant’s Motion to Strike [Doc. 159] of plaintiff Mark Anthony Palzer. For the reasons discussed below, the motion is denied.

Federal Rule of Civil Procedure 6(b) provides “[w]hen an act may or must be done within a specified time, the court may, **for good cause**, extend the time[.]” Fed. R. Civ. P. 6(b)(1) (emphasis added).<sup>1</sup> “Good cause comes into play in situations in which there is no fault—excusable or otherwise. In such situations, the need for an extension is usually occasioned by something that is not within the control of the movant.” *Utah Republican Party v. Herbert*, 678 F. App’x 697, 700-01 (10th Cir. 2017) (quoting *Bishop v. Corsentino*, 371 F.3d 1203, 1206 (10th Cir. 2004)). “[A]n enlargement of the time period is by no means a matter of right.” *Id.* at 700 (quoting *Eller v. Trans Union, LLC*, 739 F.3d 467, 478 n.10 (10th Cir. 2013)).

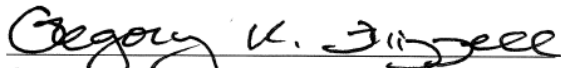
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<sup>1</sup> Because plaintiff requested an extension of time prior to the expiration of the existing deadline—albeit by only seven minutes—the court need not also determine whether plaintiff failed to act because of excusable neglect. *Cf.* Fed. R. Civ. P. 6(b)(1)(B).

Plaintiff requests additional time to respond to defendant's Motion to Strike Plaintiff's Response to Defendant's Motion for Summary Judgment based on plaintiff's counsel's inability to complete the brief by the deadline. However, plaintiff's counsel identifies no factors outside of his control which prevented him from meeting the deadline. Moreover, in granting plaintiff's first application for enlargement of deadline to respond to the motion to strike, the court advised "[n]o further extensions shall be granted." [Doc. 154].

WHEREFORE, plaintiff's Second Application for Enlargement of Deadline to Respond to Defendant's Motion to Strike [Doc. 159] is denied.

DATED this 17th day of December, 2018.

  
GREGORY K. ERIZZELL, CHIEF JUDGE